

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

V.

## HUBERT THEODORE ISABEL,

Defendant.

CASE NO. CR06-377C

## ORDER

This matter comes before the Court on the joint motion of the United States of America and Defendant Hubert Theodore Isabel to continue the trial date (Dkt. No. 17).

The current pretrial motions cut-off date was November 23, 2006, and the current trial date is December 11, 2006. Defendant has joined in the requested continuance, and the Government agrees that a continuance is necessary to allow Defendant to complete discovery and prepare for trial. Accordingly, Defendant has waived speedy trial rights through January 31, 2007 (Dkt. No. 19).

Given the complex nature of this case, the Court finds that a denial of the requested extensions would unreasonably deny Defendant adequate preparation by his attorneys and would deny counsel reasonable time to prepare. Due to these factors, exclusion of additional time under 18 U.S.C. § 3161(h)(8)(B)(iv) is appropriate.

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The proposed continuance of the trial does not appear to prejudice any party. The Court finds that failure to grant the requested continuance likely would result in a miscarriage of justice. The Court further finds that the interests of the public and the Defendant in a speedy trial are outweighed by the ends of justice, within the meaning of 18 U.S.C. § 3161(h)(8)(A).

Accordingly, IT IS HEREBY ORDERED that the pre-trial motions cut-off date shall be extended until December 15, 2006, with a new trial date of January 16, 2007. Voir dire, Trial Briefs, and Jury Instructions shall be due by January 11, 2007. The time between December 11, 2006 and the new trial date shall be excludable time under the Speedy Trial Act pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

SO ORDERED this 27th day of November, 2006.

John C. Coughenour  
John C. Coughenour  
United States District Judge